

REMARKS

Claims 1-6 are pending in the application. Claim 2, 5 and 6 are allowed.

Claims 1, 3, and 4 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Soumiya (previously cited) in view of Thomas (U.S. 5,960,215).

In rejecting claims 1, 3 and 4, it's asserted in the Office Action that Thomas teaches a mode setting means for setting a mode for deciding congestion information of an output side in accordance with a combination of the extracted congestion information and a setting condition. The Office Action points to col. 57, lines 26-31.

As the Examiner points out on page 4 and 5 of the Office Action, Thomas describes setting of two modes for the EFCI field as described in col. 57, lines 26-28.

However, Thomas describes that the decision for setting either of the two modes is made through the OR_CI field. Col. 57, lines 29-31 recites: "The selection of which of the two modes is to be used is made through the OR_CI field 2122 in the rx VC state table 150."

In col. 54, lines 47-49: "An OR_CI field 2122 is used to select the logical OR of EFCI bits (from cell header PT<1>) of received cells in an AAL5 packet."

It is clear that the EFCI mode is set based only on the OR_CI field. In contrast applicant claims: mode setting means for setting a mode for deciding congestion information of an output side in accordance with a combination of said extracted congestion information and a setting condition.

In particular, Thomas does not disclose the point of using the extracted congestion information when setting a mode. Thomas teaches setting the mode based only on the OR_CI field. Thus, it is respectfully submitted that the present claimed invention, for example claim 1 differs from the cited reference, Thomas, in the points as to how mode setting means set a mode.

Because neither references teaches or suggests all the features of applicant's claimed invention it is respectfully requested the rejection be withdrawn.

Claim 4

Applicant's claim 4, includes mode setting means selecting any one of: a first mode in which the congestion information transmitted from the backward direction is directly set to congestion information of frame relay data; and a second mode in which congestion information of frame relay data is always set to "no congestion".

Applicant's claim is supported in the specification, for example, page 11, line 15 to page 12, line 4. Because the congestion information of frame relay data is always set to "no congestion" in a case that distortion occurs when the different types of networks are connected to each other, the congestion information is discarded, so that the processing operation can be carried out irrespective of the congestion information.

The Office Action asserts that Soumiya teaches a second mode as recited in claim 4, however, the second mode recited in claim 4 is always sets congestion information to "no congestion".

In contrast to applicant's claimed invention, in Soumiya at column 27, lines 20-24, the reference describes that if the ATM network is restored to a normal state, the explicit forward congestion indicator EFCI bit of the ATM cell is turned off (= "0"), and the FECN bit of the frame becomes "0", so that the terminating terminal 302 transmits the frame with BECN=0 to the originating terminal 301.

Nowhere does Soumiya describe a second mode where the congestion information is always set to no congestion. Soumiya describes if the ATM network is restored then EFCI bit of the ATM cell is turned off (= "0").

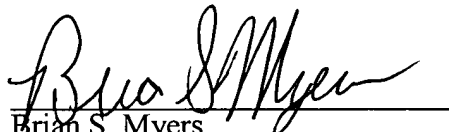
That is, as described in the description of the present application, since the second mode is provided, in such a case that distortion occurs when the different types of networks are connected to each other, the congestion information is discarded, so that the processing operation can be carried out irrespective of the congestion information.

This feature is not found in the combination of cited references. Because neither reference suggests applicant's combination of features, it is respectfully requested the rejection be withdrawn.

In view of the remarks set forth above, this application is in condition for allowance which action is respectfully requested. However, if for any reason the Examiner should consider this application not to be in condition for allowance, the Examiner is respectfully requested to telephone the undersigned attorney at the number listed below prior to issuing a further Action.

Any fee due with this paper may be charged to Deposit Account No. 50-1290.

Respectfully submitted,


Brian S. Myers
Reg. No. 46,947

CUSTOMER NUMBER 026304
Telephone: (212) 940-8703
Fax: (212) 940-8986/8987
Docket No.: FUJY 16.538 (100794-11314)
BSM:fd